

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6085**

**BILL NUMBER:** SB 33

**NOTE PREPARED:** Feb 23, 2006

**BILL AMENDED:** Jan 26, 2006

**SUBJECT:** Volunteer Advocates for Incapacitated Adults.

**FIRST AUTHOR:** Sen. Alting

**FIRST SPONSOR:** Rep. Koch

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** (Amended) This bill creates a volunteer advocates for incapacitated adults program (program) to represent and protect for a limited period the interests of an incapacitated or protected person who is at least 18 years of age. The bill requires a volunteer advocate for incapacitated adults to report to the court and make recommendations regarding the incapacitated or protected person. It provides civil immunity for a program or an employee or volunteer of a program.

**Effective Date:** July 1, 2006.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) Under current law, a court may appoint a volunteer advocate for an individual who is an incapacitated or protected person who is at least 55 years of age. Volunteer advocates must be supervised by a community Volunteer Advocates for Seniors Program. Thus, courts may only appoint volunteers in jurisdictions where community Volunteer Advocates for Seniors Programs exist. There is currently one community Volunteer Advocates for Seniors Program in Indiana (see *Background Information*).

This bill would allow a court to create a volunteer advocates program that would provide limited guardianship for an incapacitated person or protected person who is at least 18 years of age. Advocates would provide a report and make recommendations to a court. In addition, they would be: required to complete a limited

guardian training program, supervised by a community volunteer advocates for adults program, and appointed by a court. The number of incapacitated adults who are at least 18 years of age for whom a volunteer advocate would be appointed is currently unknown.

The court may appoint an attorney to represent the volunteer advocate. This could potentially increase expenditures for counties; however, any increases are likely small. The number of volunteer advocates falling under this provision are likely minimal. Actual increases in expenditures are dependent on the number of volunteer advocates for whom attorneys are appointed.

*Background Information:* There is currently one community Volunteer Advocates for Seniors Program in Indiana, St. Margaret Mercy Healthcare Center, which serves Indiana in three different locations: Hammond, Dyer, and Crown Point. The program reports that it receives approximately two referrals per week.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Courts.

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